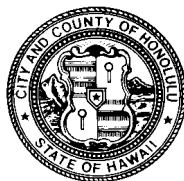


**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

925 DILLINGHAM BOULEVARD, SUITE 190 • HONOLULU, HAWAII 96817
PHONE: (808) 768-9242 • FAX: (808) 768-7768 • EMAIL: ethics@honolulu.gov • INTERNET: www.honolulu.gov/ethics



RICK BLANGIARDI
MAYOR

JAN K. YAMANE
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

AGENDA

Date: February 17, 2021

Time: 11:30 a.m.

Webex: Meeting Link: <https://cchnl.webex.com/join/ethics>

Meeting Number (Access Code): 268 451 616; or join by phone 1-408-418-9388

[Note: No Meeting Password.]

This meeting will be held via Webex Video Conferencing only. Members of the public are invited to join this meeting by downloading the Cisco Webex Meeting app using a phone or tablet with the above log-in information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

**MEMBERS OF THE PUBLIC ARE ENCOURAGED TO SPEAK
AND/OR SUBMIT WRITTEN TESTIMONY ON ANY AGENDA ITEM**

ORDER OF BUSINESS

I. Call to Order, Public Notice, Quorum

II. New Business

A. Chair's Report

1. Announcements, Introductions, Correspondence, and Additional Distribution

a. Staffing

i. Investigator

ii. Administrative Specialist

iii. Training Specialist

iv. Private Secretary

2. For Action: Approval of Open Session Minutes of December 16, 2020
3. For Action: Approval of Executive Session Minutes of December 16, 2020

B. Executive Director and Legal Counsel's Report

1. Staffing - Update
 - a. Hiring Process
 - b. Office Renovation
 - c. Work Reports Summary
 - d. For Discussion: Monthly Meetings (FY22)
2. Statistics
 - a. Website Sessions – December 2020, January 2021
 - b. Financial Disclosure Filings – Update
 - c. Lobbyist Registrations, Annual Reports – Update
3. Budget
 - a. FY2021 Operating Budget – Update
 - b. FY2022 Operating Budget Request – Update
4. Education and Outreach
 - a. Ethics Training Program – Update
 - i. Biennial Ethics Training (FY19–FY20)
 - ii. New Councilmember, Cabinet, Employee Training Collaboration
 - b. E-Newsletter, Brochures, Twitter, Website – Update
5. Gifts Legislation – Hawai'i Legislature
6. Education Opportunities – Commissioners and Staff
 - a. *The Guardian* (Council on Governmental Ethics Laws, January 2021)

III. Executive Session Determination

- A. For Discussion and Action: Whether the Ethics Commission Should Exercise Its Discretion to Consider Cases on Hold Pending Resolution of CR No. 17-00582 JMS-RLP, *United States v. Kealoha*, et al.
- B. For Discussion and Action: Whether the Ethics Commission Should Exercise Its Discretion to Consider Hiring for the Full Time Position of Assistant Executive Director and Legal Counsel

IV. Executive Session (The following agenda items will be reviewed in executive session pursuant to Section 92-5(a)(2), Hawaii Revised Statutes (HRS), to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; or Section 92-5(a)(4), HRS, to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities, or Section 92-5(a)(8), HRS, to deliberate or make a decision upon a matter that requires consideration of information that must be kept confidential pursuant to state or federal law or court order.)

A. For Decision: Cases on Hold Pending Resolution of CR No. 17-00582 JMS-RLP, United States v. Kealoha, et al.

B. For Decision: Hiring for the Full Time Position of Assistant Executive Director and Legal Counsel

V. Strategic Planning

A. Permitted Interaction Group (Chair Marks, Vice-Chair Monk, Commissioner Suemori) – Proposed Gift Legislation – Update

VI. Adjournment

A. Next Meeting: April 14, 2021

SPEAKER REGISTRATION

Prior to the Day of the Meeting: Persons wishing to testify are requested to register their name, phone number, and agenda item via email at ethics@honolulu.gov; or by calling 768-9242.

On the Day of the Meeting: Persons who have not registered to testify by the time the Commission meeting begins will be given the opportunity to speak on an item following oral testimonies of registered speakers.

Each speaker is limited to a three-minute presentation on each item.

WRITTEN TESTIMONY

Prior to the Day of the Meeting: Testimony may be emailed to ethics@honolulu.gov or faxed 768-7768.

On the Day of the Meeting: Submit 10 copies of written testimony to Commission staff.

If you need an auxiliary aid/service or other accommodation due to a disability or an interpreter for a language other than English, please call the Honolulu Ethics Commission at (808) 768-9242 between 7:45 a.m. and 4:30 p.m. or send an email to ethics@honolulu.gov at least four (4) business days before the scheduled meeting. It may not be possible to fulfill requests received after this date.

All handouts will be posted at www.honolulu.gov/ethics/meetings.html

WELCOME TO THE ETHICS COMMISSION MEETING

*As a courtesy and to avoid excessive
noise/feedback, please mute your microphone
except to testify.*




Date: February 17, 2021

Time: 11:30 a.m.

Webex: Meeting No. 268 451 616
(268451616 from phones, video
systems or join by phone
1-408-418-9388)

ORDER OF BUSINESS

I. Call to Order, Public Notice, Quorum



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II. NEW BUSINESS

A. Chair's Report

1. Announcements

a. Staffing – Welcome new staff!

- i. Investigator – Randy Leong
- ii. Admin Specialist – Erin Tamashiro
- iii. Training Specialist – Derek Kiyota
- iv. Priv Secretary – Heather Murakami



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II.A. CHAIR'S REPORT

2. For Action: Approval of Open Session Minutes of December 16, 2020

3. For Action: Approval of Exec Session Minutes of December 16, 2020



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II.B. EXECUTIVE DIRECTOR AND LEGAL COUNSEL'S (EDLC) REPORT

1. Staffing

a. Hiring Process

- Dec. 16, 2020 – positions approved to fill
- Positions posted – ETH, COR, COGEL websites, LinkedIn, Twitter, cmmr/staff outreach, other
- Dec 2020–Jan 2021 – interviews
- Jan 2021 – +2 (investigator, admin specialist)
- Feb 2021 – +2 (training specialist, priv secty)



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II.B.1. STAFFING (cont'd)

a. Hiring Process (cont'd)

- Feb 2021 – Ethics Commission interviews Asst. Exec. Dir. Legal Counsel applicants
- Feb 2021 – Ethics staff interview Assoc. Legal Counsel applicants
- Mar 2021 – +2 (Asst. EDLC, ALC)



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II.B.1. STAFFING (cont'd)

a. Hiring Process (cont'd)

- 5 FTE → 11 FTE
- 1 FTE = 2 P/T contract staff
- 2 Pro Bono Interns (60 hours each)

b. Office Renovation

- Expand 1st floor office
- Project completion – June 2021

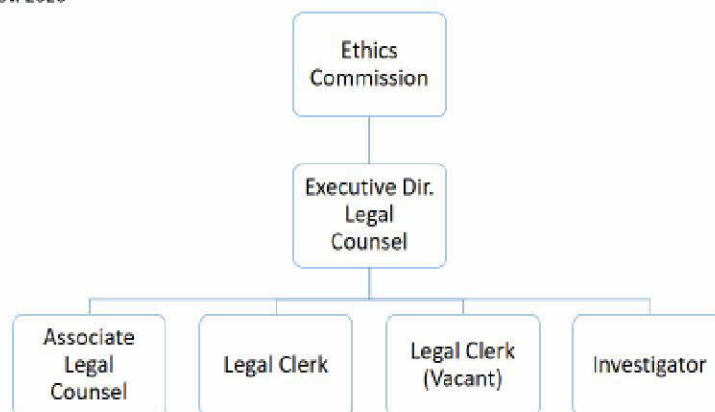


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ETHICS COMMISSION ORG CHART (OLD)

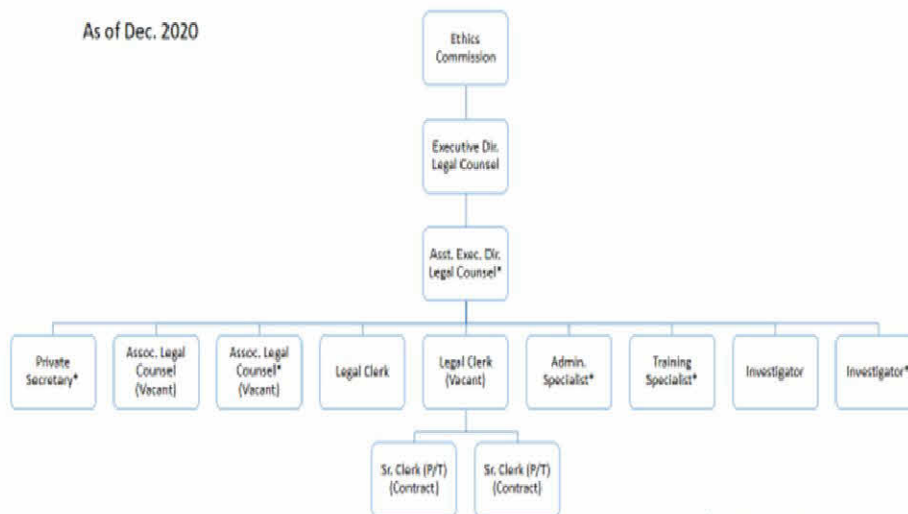
As of Nov. 2020



8

ETHICS COMMISSION ORG CHART (NEW)

As of Dec. 2020



* = New Position

11 Positions / 12 Staff 9

II.B.1. STAFFING (cont'd)

c. Work Reports Summary

- Work reports in meeting materials

d. For Discussion:

- Monthly meetings (FY22)
- Reserved meetings become scheduled meetings (Jul. 21, Sep. 15, Nov. 17, 2021)



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II.B.2. STATISTICS

a. Website Sessions

- December 2020 – 956 (690 users)
- January 2021 – 1165 (748 users)



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II.B.2. STATISTICS

b. Financial disclosure filings

- Working w/ board, commission liaisons
- Deadline: Jan. 31, 2021

c. Lobbyist registration, annual report filings

- 2020 annual report, 2021 registrations
- Deadline: Jan. 10, 2021



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II.B.2.b. FINANCIAL DISCLOSURE FILINGS

CLERK'S OFFICE

Public disclosures
(as of Feb. 12, 2021)

Councilmembers
Mayor
Cabinet

~ 129

ETHICS COMMISSION

Confidential disclosures
(as of Feb. 12, 2021)

Employee EForm – 281 of 416
Bd/Comm PDF – 121 of 164

~ 402



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II.B.2.c. LOBBYIST FILINGS

2021 REGISTRATION

Hardcopy Filings
(by Organization)

~ 162

(by Lobbyist)

~ 111

2020 ANNUAL REPORT

Hardcopy Filings
(by Lobbyist)

181 of 211



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II.B.3. BUDGET

a. FY2021 Operating Budget

- ETH filling FY20, FY21 budgeted positions
- Purchasing equipment, furniture for new positions
- Dept. Design & Construction budget for office renovation



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II.B.3. BUDGET

b. FY2022 Operating Budget Request

- No managing dir, budget dir meeting
- ~Mar. 2 – Mayor's budget → Council
- Mar. 12 – Council budget briefing
- Apr. – May – Council public hearings
- June 2 – Council adopts budget



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II.B.4. EDUCATION AND OUTREACH

a. Ethics Training Program

i. Biennial Ethics Training (FY19–FY20)

- Deadline extended to Dec. 31, 2020
- Tracking departmental completion
- Tracking board/commission member completion via board liaisons
- Enforcement in April, if needed



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II.B.4. EDUCATION AND OUTREACH

a. Ethics Training Program (cont'd)

ii. New Councilmember, Cabinet, Employee Training Collaboration

- Jan. 2021 Councilmembers (Webex)
- Jan. 2021 Cabinet (Webex)
- ~Monthly - New Employee Orientation



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II.B.4. EDUCATION AND OUTREACH

b. E-Newsletter (*the Compass*), Twitter, Website

- Twitter statistics, highlights
(December 2020 to present)
 - ✓ Total tweets – 139
 - ✓ Profile visits – 4,805
 - ✓ Tweet impressions – 28,942
 - ✓ Followers – 306 (15 new)



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II.B.4. EDUCATION AND OUTREACH (cont'd)

b. E-Newsletter (*the Compass*), Twitter, Website

- Top tweets
- Brochures – Prosecuting Attorney, Councilmembers, Cabinet

Top Tweet earned 2,000 impressions

#Ethics newly created positions:

Asst. Exec Dir Legal Counsel

Private Secty II

Admin Specialist I

Training Specialist I

Investigator I

Assoc. Legal Counsel

We are an independent agency. Positions are exempt excluded. Contact us directly ethics@honolulu.gov for more info.

Top Tweet earned 1,000 impressions

#TuesdayTrivia

Q: You are division head. Your sister applies for an exempt position in your department and you recommend that she be hired, even though some applicants might be more qualified. Have you violated the fair and equal treatment policy? Answer tomorrow! **#Ethics**
pic.twitter.com/qe0Z41QzaS

TRIVIA

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II.B.4. EDUCATION AND OUTREACH (cont'd)

Top media Tweet earned 662 impressions

[#Ethics](#) [#TuesdayTrivia](#) w/ [#Elythethicself](#)

Q: I am part of a multi-level marketing business that sells great health products! Can I offer these products to my city co-workers and subordinates? They would make great holiday gifts to help you and others w/ Covid fatigue!
pic.twitter.com/59sQoEvANB



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II.B.5. LEGISLATION AND ELECTION 2020

Gifts Legislation – Hawai'i Legislature

- Nov 2020 – State Ethics Commission adopted rules eliminating “gifts of aloha”
- Jan 2021 – 3 bills introduced to reinstate “gifts of aloha”
- Feb 2021 – 2 bills dead, 1 bill alive
- Even if bills dead this year, bills alive next year



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II.B.6. EDUCATION OPPORTUNITIES

a. *The Guardian* (Council on Governmental Ethics Laws, January 2021)

- COGEL Steering Committee Updates



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III. EXECUTIVE SESSION DETERMINATION

A. For Discussion and Action:

Whether the EC should exercise its discretion to consider cases on hold pending resolution of CR No. 17-00582 JMS-RLP, United States v. Kealoha, et al.



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III. EXECUTIVE SESSION DETERMINATION

B. For Discussion and Action:

Whether the EC should exercise its discretion to consider hiring for the full time position of Assistant Executive Director and Legal Counsel



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IV. EXECUTIVE SESSION

A. For Decision:

Cases on hold pending resolution of CR No. 17-00582 JMS-RLP, United States v. Kealoha, et al.

[pursuant to HRS §§ 92-5(a)(2), 92-5(a)(4)]



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IV. EXECUTIVE SESSION

B. For Decision:

**Hiring for the full time position of
Assistant Executive Director and Legal
Counsel**

[pursuant to HRS § 92-5(a)(2), (4), (8)]



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V. STRATEGIC PLANNING

A. Permitted Interaction Group (PIG) – Proposed Gift Legislation

- Chair Marks (excused), VChair Monk,
Cmmr. Suemori – Proposed Gift
Legislation



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VI. ADJOURNMENT

Next Meeting: April 14, 2021

Website: www.honolulu.gov/ethics Email: ethics@honolulu.gov

 Twitter: @HonEthicsComm



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Agenda Item II.A.2.

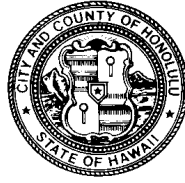
Page 1

**[Open Session Minutes of
December 16, 2020
Commission Meeting]**

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

925 DILLINGHAM BOULEVARD, SUITE 190 • HONOLULU, HAWAII 96817
PHONE: (808) 768-9242 • FAX: (808) 768-7768 • EMAIL: ethics@honolulu.gov • INTERNET: www.honolulu.gov/ethics

KIRK CALDWELL
MAYOR



JAN K. YAMANE
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU

Date and Place: December 16, 2020
Webex Video Conferencing
Meeting Number (Access Code): 268 451 616
Meeting Password: None (268 451 616 from phones and video systems)
or join by phone 1-408-418-9388

Present: Hon. Victoria Marks (ret.), Chair
David B. Monk, Vice Chair

Peter S. Adler, Commissioner
Hon. Riki Amano (ret.), Commissioner
Lynette Lo Kanda, Commissioner
Michael A. Lilly, Esq., Commissioner
Hon. Allene R. Suemori (ret.), Commissioner

Jan K. Yamane, Executive Director and Legal Counsel (EDLC)
Laurie A. Wong-Nowinski, Associate Legal Counsel (ALC)
Jill Yamashiro, Investigator III (INV III)
Alyson N. Wong, Legal Clerk III (LC III)
Joanne O.N. Lim, Sr. Clerk (Sr. CLK)
Kristie E.L. Kato, Sr. Clerk (Sr. CLK)

Moana Yost, Deputy Corporation Counsel
Department of the Corporation Counsel (COR)

Debora Halbert, PhD, Volunteer U.H. Law Student
Mallory Hee, Volunteer U.H. Law Student

Denise Antolini, member of the public
Sandy Ma, member of the public

MINUTES OF THE ETHICS COMMISSION MEETING

I. Call to Order, Public Notice, Quorum

Chair Marks called the meeting to order at approximately 11:31 a.m., declaring quorum with all Commissioners present via Webex.

II. New Business

A. Chair's Report

1. Announcements, Introductions, Correspondence, and Additional Distribution

a. Commissioner Michael Lilly – Term Expires December 31, 2020

Chair Marks announced that this would be Commissioner Lilly's last Commission meeting as his term expires at the end of the year. She thanked Commissioner Lilly for his 9-year commitment and service to the Commission. Commissioner Lilly stated that the Commission's goal is to educate the City on the Standards of Conduct. He praised the Commission and its staff and thanked everyone for their hard work and for his leaving office gift.

b. Commissioner Peter Adler – Resolution 20-274, CD1 – Reappointment of Dr. Peter Adler to Serve on the Ethics Commission of the City and County of Honolulu (Term Expiring December 31, 2025)

The EDLC announced Commissioner Adler's reappointment.

c. Staffing

i. Investigator III

The EDLC introduced Ms. Jill Yamashiro as the new INV III. The EDLC shared that Ms. Yamashiro has over 40 years of experience with insurance claims investigations.

Sandy Ma asked if Ms. Yamashiro had any conflicts of interest because she previously worked at the Department of Corporation Counsel.

The EDLC stated that staff follow established procedures to safeguard against conflicts of interest.

ii. Contract Hires – Senior Clerk (2)

The EDLC stated that two CLK contracts have been extended to June 30, 2021.

2. For Action: Approval of Open Session Minutes of October 21, 2020

Commissioner Amano made and Commissioner Adler seconded a motion to approve the open session minutes of October 21, 2020. The motion carried unanimously.

3. For Action: Nomination, Vote for Chair, Vice Chair – Calendar Year 2021

Chair Marks nominated Vice Chair Monk as CY2021 Chair. Commissioner Kanda seconded the nomination. The Commission unanimously elected Vice Chair Monk as Chair.

Commissioner Amano nominated Chair Marks to be CY 2021 Vice Chair. Commissioner Suemori seconded the nomination. The Commission unanimously elected Chair Marks as Vice Chair.

B. Executive Director and Legal Counsel's Report

1. Positions – Pending Approval and Staff Work Reports Summary

The EDLC announced that all six budgeted positions (Assistant EDLC, ALC, Private Secretary, Administrative Specialist, Investigator, and Training Specialist) were approved. The EDLC thanked the approximately 25 City staff who reviewed and routed EForms for approval.

The EDLC explained that she is looking for additional office space to accommodate new staff. One option is to obtain Kapālama Hale second floor space as the current occupants are scheduled to move. Vice Chair Monk recommended exchanging spaces with another office on the same floor instead of splitting the office.

Chair Marks praised the EDLC's persistence to obtain position approval. The EDLC recognized the many hands that enabled creation and approval of the positions starting with Commissioner Adler conducting Strategic Planning, and employees of the Departments of Budget and Fiscal Services and Human Resources.

Commissioner Kanda stated that the approval of the positions will enable the Commission to be more timely.

In regard to staff work reports, the EDLC stated that she and Sr. CLK Lim will be handling approximately 600 board and commission member financial disclosure and lobbyist forms. Sr. CLK Kato continues to assist with the website, Twitter, and investigations.

The EDLC stated that LCIII continues to cover the front office and will assist with EForm financial disclosures. She stated that staff continues to work remotely but is in the office periodically. LCIII also tracks departmental and board and commission member ethics training completion.

The EDLC stated that there is no INV III report as the position has been vacant since August and the new INV III just started. INV III activities will be reported at the February 2021 meeting.

Vice Chair Monk stated that orienting and training six new hires will take a lot of effort initially, but will be beneficial to the Commission's work. He stated that the Commission will continue to face backlogs until all of the new hires are fully trained.

Sandy Ma asked if lobbyist forms still need to be notarized and requested confirmation on registering and annual report filing deadlines.

The EDLC confirmed a notary is required and that the deadlines are the same.

The EDLC stated that the ALC continues to provide outreach and education via training, and maintaining social media presence as well as responding to requests for advice, investigations, and prosecutions. She also supervises and directs the two pro bono U.H. Law interns for legislative drafting, research, and outreach.

2. Statistics

a. Website Sessions – October, November 2020

October 2020: 3329 (2990 users), November 2020: 967 (784 users)

The EDLC stated that the increase in website sessions is likely due to people referring to lobbyist and financial disclosure information as filing deadlines approach.

She stated that board and commissioners now have their own page on the Ethics Commission website, thanks to Sr. CLK Lim.

b. Financial Disclosure Filings – Update

Board and commission member financial disclosures and lobbyist registrations will be handled by Sr. CLK Lim and EDLC; LC III will assist with EForm financial disclosures.

c. Lobbyist Registrations, Annual Reports – Update

3. Budget

a. FY2021 Operating Budget – Update

The EDLC stated that the City may have a \$400+ million budget shortfall. The administration requested all departments to cut 5 to 10 percent of their budgets. She stated that the Commission cut less because the Commission does not have much budget to cut as most of the budget is for salaries.

b. FY2022 Operating Budget Request – Update

Several budget meetings were scheduled then subsequently cancelled.

4. Education and Outreach

a. Ethics Training Program (FY19–FY20) – Update

The ALC stated that the training deadline was extended to December 31, 2020. She added that 16 of 30 agencies completed training. Additionally, only one of 20 boards and commissions completed training. The LCIII sent out multiple reminders.

The ALC conducted leaving office ethics training in November, with over 50 appointees present. She trained on requirements for future employment, the one-year cooling off period, and filing of leaving office financial disclosures.

The ALC stated that the two U.H. law school student volunteers, Dr. Halbert and Ms. Hee, have each used approximately half of their 60 hours of required service. They will continue volunteering through the spring semester. She stated that she will continue to contact the law school for more volunteers.

b. E-Newsletter, Twitter, Website – Update

The ALC stated that the Commission issued two December newsletters regarding gifts and prohibited sources, and that the newsletters have generated requests for advice. The ALC thanked Ms. Hee for drafting the newsletters and the City print shop for creating the layout and graphics.

The EDLC added that Elfy the Ethics Elf is appearing on social media.

Sr. CLK Kato reported the following Twitter statistics from October 2020 to date: Total Tweets (88), Profile Visits (723), Tweet Impressions (31,546) and Followers (293). She further stated that there has been a dramatic increase in numbers since the last report, which may be due to the November elections and daily tweeting. There was a six-fold increase in profile visits and a 10,000 increase in impressions. Also, the Commission gained 24 followers.

5. Legislation and Election 2020

a. 2020 General Election Ballot Questions – Update

- i. Question 3 (PASSED) – “Shall the Revised City Charter be amended to allow the Honolulu Ethics Commission to control its own budget after it has been enacted?” (Resolution 19-331)

The Commission extended its thanks to Councilmember Waters and his staff for introducing the resolution, which placed the issue on the ballot.

The EDLC stated that she met with the Department of the Prosecuting Attorney’s administration regarding the new budget process because it had a similar measure pass in 2016. The EDLC stated that the effective date is July 1, 2021.

- ii. Question 4 (PASSED) – “Shall the Revised City Charter be amended to require ethics commission staff to be appointed based on merit principles, but exempt them from the civil service position classification plan, and to have the salaries of all ethics commission staff set by the ethics commission, subject to specified limitations?” (Resolution 20-83, FD1)

The EDLC thanked Chair Marks for suggesting the measure and to Councilmember Menor for introducing the measure on behalf of the Commission. She stated that question 4 had more yes votes than question 3.

6. Education Opportunities – Commissioners and Staff

- a. Council on Governmental Ethics Laws (COGEL) 42nd Annual Conference (December 13–16, 2020), Virtual Meeting (Hosted by City of Atlanta) – Report

i. COGEL Steering Committee Appointment

The COGEL Conference has gone virtual. The ALC stated that the conference had live and on-demand sessions. She attended the live plenary session where panelists, including Vanita Gupta, former head of the Department of Justice Civil Rights Division, discussed the many struggles surrounding the elections process this year.

Additionally, she watched the on-demand sessions which provided information on ethics, enforcement, and effective communication.

The EDLC congratulated the ALC for her appointment on COGEL's Steering Committee.

The ALC stated that the COGEL President appointed her to the publications and communications subcommittees. Her goal is to reformat and digitize COGEL's number one member resource, the Blue Book.

7. For Discussion: Personal Use of Social Media by City Employees

a. For Discussion: Peer Jurisdiction Social Media Ethics Policies

The ALC stated that at the last Commission meeting, Ms. Choon James asked whether city employees should be required to identify themselves as city employees when they are posting from their personal social media accounts. Her second question was whether the Ethics Commission should create a social media policy or update its current policies on campaign activities to address social media activity. The ALC stated that the Department of Human Resources (DHR) already issued a social media policy which was provided at the last Commission meeting.

Also, Ms. Hee researched peer jurisdictions at the Commission's request and found that the Hawai'i State Ethics and Campaign Spending Commissions did not have any social media policies.

Ms. Hee further stated that most jurisdictions did not have a specific ethics social media policy. The jurisdictions that did have a policy generally prohibited employees from identifying themselves as City employees to prevent the impression that they were speaking on behalf of the city. Ms. Hee and the ALC concluded that the Philadelphia Board of Ethics policy was most comprehensive.

Chair Marks thanked Ms. Hee for her research.

b. Personal Use of Social Media by City Employees Policy (City and County of Honolulu, Department of Human Resources, June 17, 2019)

The ALC believed that the DHR Social Media Policy sufficiently addressed Ms. Choon James' questions. But, the Commission may consider updating its Campaign Activity Guidelines to reference social media.

The ALC recommended that the social media platform is the best place to report alleged cyberbullying or fraudulent behavior as social media platforms have their own standards of conduct. For example Facebook has "community standards" and could disable or terminate accounts for violations.

Vice Chair Monk agreed that the City's current social media policy provides adequate coverage. Additionally, DHR is the right source of that policy. He stated that it is important to clearly distinguish between what is personal and what relates to the City. Also, if there are any additional ethics concerns regarding social media, the Commission could add it to the DHR policy.

NOTE: Agenda Item V. Strategic Planning was taken out of order.

III. Executive Session Determination

- A. For Discussion and Action: Whether the Ethics Commission Should Exercise Its Discretion to Consider Cases on Hold Pending Resolution of CR No. 17-00582 JMS-RLP, United States v. Kealoha, et al.

Vice Chair Monk made and Commissioner Amano seconded a motion that the Ethics Commission exercise its discretion to consider in Executive Session cases on hold pending resolution of CR No. 17-00582 JMS-RLP, United States v. Kealoha, et al. The motion passed unanimously.

Vice Chair Monk made and Commissioner Kanda seconded a motion to enter Executive Session. The motion passed unanimously.

- B. For Discussion and Action: Whether the Ethics Commission Should Exercise Its Discretion to Consider Formal Advisory Opinion No. 2020-3, Honolulu Ethics Commission's Implied Authority to Inform the Public About Charter Amendments Placed on a General Election Ballot

Commissioner Kanda made and Commissioner Amano seconded a motion that the Commission exercise its discretion to consider in Executive Session Formal Advisory Opinion No. 2020-3, Honolulu Ethics Commission's implied authority to inform the public about charter amendments placed on a general election ballot. The motion passed unanimously.

Commissioner Kanda made and Commissioner Amano seconded a motion to enter Executive Session. The motion passed unanimously.

IV. Executive Session (The following agenda items will be reviewed in executive session pursuant to Section 92-5(a)(2), Hawaii Revised Statutes (HRS), to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; or Section 92-5(a)(4), HRS, to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities.)

- A. For Decision: Cases on Hold Pending Resolution of CR No. 17-00582 JMS-RLP, United States v. Kealoha, et al.

Chair Marks reported that during executive session, the Commission unanimously decided to take this matter under advisement.

- B. For Decision and Adoption: Formal Advisory Opinion No. 2020-3, Honolulu Ethics Commission's Implied Authority to Inform the Public About Charter Amendments Placed on a General Election Ballot

Chair Marks reported that during executive session, the Commission unanimously approved and adopted Advisory Opinion No. 2020-3, as amended.

V. Strategic Planning

- A. Permitted Interaction Group (Chair Marks, Vice-Chair Monk, Commissioner Suemori) – Proposed Gift Legislation – Update

Vice Chair Monk thanked Dr. Halbert for her research and preparation. He stated that the PIG is currently working on clarifying the legislation. Chair Marks confirmed and added that defining prohibited sources will help to clarify the law.

The ALC shared Ms. Natalie Iwasa's testimony on this agenda item from the prior meeting. She summarized that Ms. Iwasa did not support the zero-tolerance policy.

The ALC stated that the draft legislation supports the Commission's zero-tolerance policy as to prohibited sources. She compared the current law and the proposed law using flow charts and FAQs showing how the proposed law would simplify the analysis and eliminate currently acceptable "tokens of aloha" gifts, consistent with the Commission's wishes.

Commissioner Kanda recommended that the chart should include post-employment gift restrictions. For example, when someone leaves the city is there a law that prohibits the employee from accepting gifts from a City vendor; and how long would the restriction apply. She also stated that the FAQ examples were really good but the language needs to be simplified.

Vice Chair Monk mentioned that the PIG will release two versions—one for legislation and the other for the public that is easier to understand.

Sandy Ma asked if the draft law applied to City Council members.

The ALC confirmed.

Sandy Ma asked if the gift policy includes job offers. She referenced Councilmember Tsuneyoshi's complaint that former Council Chair Anderson accepted a job from a union lobbyist with pending legislation before the City Council.

The ALC stated that she is unable to speak about any on-going investigations.

Sandy Ma asked if the definition of gift includes job offers.

The ALC read the definition of gift as defined by ROH Section 3-8.7.

Commissioner Adler asked if the legislation identifies prohibited gifts.

Vice Chair Monk replied that the language and flow charts implicitly cover the topic of prohibited gifts.

Chair Marks stated that they discussed creating a list of prohibited gifts, then the PIG identified prohibited sources.

Chair Marks asked about the status of the lobbyist legislation project.

Dr. Halbert replied that she will be working on that project soon.

Chair Marks thanked Ms. Hee and Dr. Halbert for their work.

VI. Adjournment

A. Next Meeting: February 17, 2021

At approximately 1:21 p.m. Commissioner Lilly made and Commissioner Adler seconded a motion to adjourn the meeting. The motion carried unanimously.

Agenda Item II.B.1.c.

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[Staff Work Reports
Summary]

ETHICS COMMISSION
STAFF WORK REPORTS SUMMARY
February 17, 2021

SENIOR CLERK (LIM)

- Finalizing CARES Act Funds procurements, reporting
- Lobbyists Filing – assisting with and reviewing filings, uploading to website
- Financial Disclosures – assisting filers, reviewing Clerk’s office and board and commission member filings, outreach for compliance, compiling statistics
- Space planning for current and future office layout, furniture procurement, office set-up for new staff
- Updating and organizing website

SENIOR CLERK (KATO)

- Updating, uploading website and social media
- Assisting meeting administration and document preparation, drafting minutes
- Drafting advisory opinion compendium
- Assisting investigations (drafting memos, reports, exhibits)

LEGAL CLERK

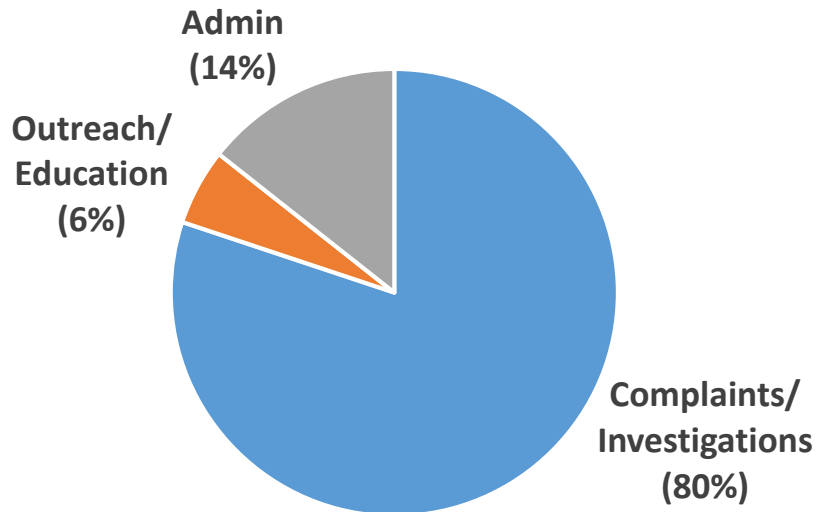
- Managing front office, phones, case/contact intake
- Financial Disclosures – reviewing, processing Eforms
- Tracking biennial ethics training
- Assisting investigation filings – drafting correspondence, memos, emails, other
- Office administration – EC meeting preparations, managing EC schedule, UIPA log, pCard administration
- Updating and posting on website

PRIVATE SECRETARY

- Joined ETH Feb. 16, 2021

INVESTIGATOR (LEONG)

- Joined ETH Jan. 11, 2021
- Desk, PC, other set-up
- Review - learn Ethics Commission jurisdiction, work, investigation process, procedures
- Investigating



INVESTIGATOR (YAMASHIRO) [Note: No pie chart until COR responsibilities done]

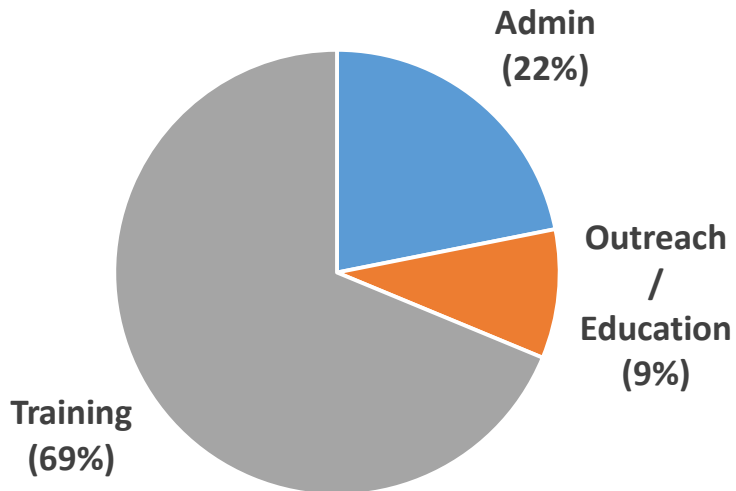
- Joined ETH Dec. 16, 2020
- Desk, PC, other set-up for self, other staff
- Splitting time between COR, ETH Desks, PCs
- Review - learn Ethics Commission jurisdiction, work, investigation process, procedures
- Investigating
- Assisting with recruitment, new staff interviews, and operational planning
- Space planning for current and future office layout, furniture procurement office set-up for new staff

ADMINISTRATIVE SPECIALIST [Note: No pie chart until COR responsibilities done]

- Joined ETH Jan. 29, 2021
- Desk, PC, other set-up for self, other staff
- Splitting time between COR, ETH Desks, PCs
- Review - learn Ethics Commission jurisdiction, work

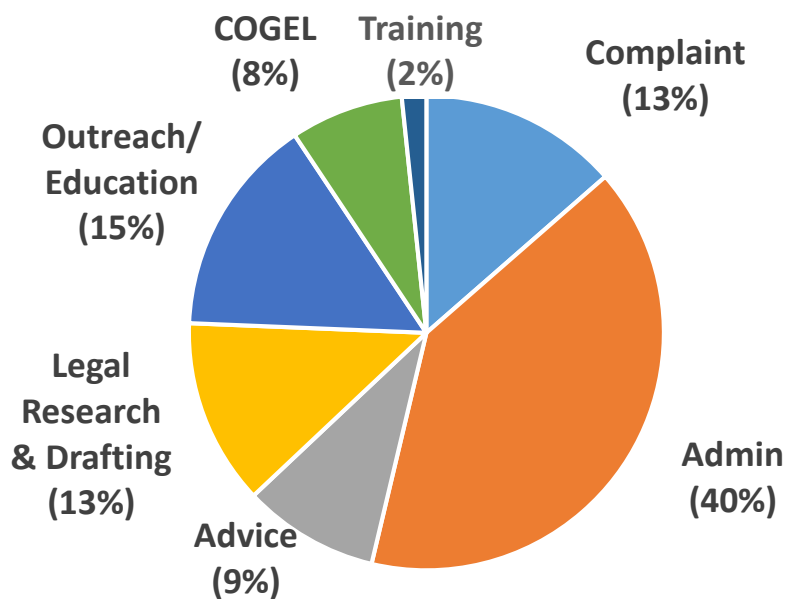
TRAINING SPECIALIST

- Joined ETH Feb. 2, 2021
- Desk, PC, other set-up
- Review - learn Ethics Commission jurisdiction, work
- Planning and research for online ethics training, new employee orientation, other



ASSOCIATE LEGAL COUNSEL

- Investigating, prosecuting, managing complaints
- Conducting legal research and drafting
- Providing legal advice
- Assisting with new staff interviews
- Training new staff
- Transitioning work to new staff
- Supervising, directing volunteers



Agenda Item II.B.6.a.

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[The Guardian (Council on
Governmental Ethics Laws,
January 2021)]

A Farewell Message from the 2020 President!

Steering Committee

- ◆ Steve Berlin
- ◆ Wesley Bizzell
- ◆ Michael Boda
- ◆ David Goodis
- ◆ Justin Gordon
- ◆ Jason Gramitt
- ◆ Mike Kelly
- ◆ Ashley Kemp
- ◆ Nancy Nicolescu
- ◆ Jabu Sengova
- ◆ Laurie Wong-Nowinski
- ◆ Liz Ziegler

2020 has been a year none of us will forget, for many negative reasons, but also, I hope, for some truly positive ones.

COGEL and its membership shined in 2020. Our resilient, creative, and flexible Program Committee (led by Jennie Skelton of Politicom, and Susan Willeke of the Ohio State Ethics Commission) and Executive Director Christina Bauders and her team put on a virtual conference that offered something for everyone; our election administration members throughout the United States and Canada managed to pull elections in this most challenging, bizarre and social-distanced of years; our ethics, lobbying, campaign finance, freedom of information and organizational members just plain kept on going; and our Steering Committee was able to offer registration to our annual conference free for COGEL members.

Our virtual 2020 Conference will likely set a record for registrants that will not be broken: more than 650! We made awards to two outstanding recipients: Professor Richard Briffault of Columbia Law School and immediate past Chair of the New York City Conflicts of Interests Board for the COGEL award, and State and Federal Communications for the COGEL Service award.

It is my good fortune to say that COGEL is thriving. It is my honor and privilege to have served as COGEL's President this past year with so many wonderful, committed colleagues, and to thank them. It is my pleasure to turn over my responsibilities to my able successor, Jason Grammit of the Rhode Island Ethics Commission. It is my joy to wish everyone a sweet, safe, holiday season, and a better 2021. And it is my hope to see as many of you as possible in person next December in Denver, and to interact with you on matters of mutual interest until then.

Warmly,

Steve Berlin
Executive Director, Chicago Board of Ethics
Immediate Past President, COGEL



Steve Berlin, 2020 President

COGEL

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COGEL 2020: It's a Virtual Wrap!

Who could have imagined last year in Chicago when we all said to one another, "See you next year!" that it would be held virtually, instead of in-person? As always, though, COGEL members displayed the resilience and determination that are the hallmarks of our respective disciplines and rallied to make our first-ever online conference a success!

The virtual conference kicked off in fine style with a riveting and utterly timely plenary, "Voting in Times of Crisis." Moderated by Common Cause's Director of Voting and Elections, Sylvia Albert, the panel members examined the challenges faced by those who administered elections in 2020. COGEL was honored to welcome our esteemed panel members: Michigan Secretary of State Jocelyn Benson; Vanita Gupta, President and CEO of The Leadership Conference on Human & Civil Rights; and Professor Richard L. Hasen, Chancellor's Professor of Law and Political Science at the University of California, Irvine. The primary concern we've heard from attendees is that the plenary last much longer – quite a testament to the quality and value of the discussion!

In addition, hundreds of COGEL members enjoyed – at their convenience – seven pre-recorded sessions that included all discipline updates and one professional development session. While we all missed the interaction and Q&A that normally accompanies these sessions, we are deeply grateful to everyone who helped reimagine our conference to provide the relevant and outstanding information in these sessions. We are especially grateful to all our guest panelists whom we hope to see in person at future conferences!

Finally, if you were unable to attend our live Networking Event, you missed out on great information, laughter and a surprising amount of fun! Even if we weren't in the same physical space together, how wonderful it was to see familiar faces, make some new COGEL friends and learn something along the way, too! It was uplifting and enjoyable to spend time with one another, even in an online format, to renew networking relationships and whet our appetites for next year's conference.

And speaking of next year's conference, mark your calendar for December 5 – 8, 2021 for COGEL's 43rd annual conference in beautiful Denver, Colorado! With view of the Rocky Mountains, 300 days of sunshine and unlimited opportunities for adventure, Denver will be the perfect place for COGEL friends and colleagues to reconnect and to collectively continue our journeys to preserving safe and honorable government.



Jennie Skelton

Partner,
Politicom Law, LLP



Susan Willeke

Education and Communications
Administrator,
Ohio Ethics Commission

A Note from Your COGEL Publication Committee

As always, the Publication Committee wants to hear from **you!!** please send us organizational news, summaries and/or links to interesting opinions, enforcement actions, or personnel changes or promotions from your agency or jurisdiction, ethics jokes that made you laugh, or really anything your COGEL colleagues might want to know!



We want **The Guardian** to serve as your forum, and a starting-off point for continuing discussion that can be continued in these pages, and in our upcoming conferences.

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Jabu Sengova, *City of Atlanta Ethics Office*, jsengova@AtlantaGa.Gov

Laurie Wong-Nowinski, *Honolulu Ethics Commission*, lwong4@honolulu.gov

COGEL 2021 - DENVER

